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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,505

12/26/2000

Serge Haumont

975.319USWI

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32294

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01/29/2004

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 01/29/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,505

Applicant(s)

HAUMONT ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29,31,34,40-44 and 48-54 are rejected under 35 U.S.C. 102(b) as being anticipate by Orlen et al..

The claimed invention reads on Orlen et al. as follows:
Orlen et al. discloses a method for providing service to a subscriber in a network (col. 3 lines 47-65 and col. 5 lines 20-48) comprising the steps of providing a network (base station) information related to said subscriber (i.e. the radio telephone sends a data mode request) (col. 10 lines 48-51), generating a service message (directory or menu information) on the basis of said provided network (base station) (col. 10 lines 63-65); and

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transmitting said service message to said subscriber (col. 10 lines 63-65), said network information is provided for service provider (col. 6 lines 50-54); and said service message is an message generated by said service provider (col. 6 line 50 through col. 7 line 18).

Regarding claims 30 and 31, Orlen et al. discloses said network information relates to an operating state of a mobile station (col. 10 lines 48-51).

Regarding claim 34, Orlen et al. discloses said service message is transmitted when said mobile is reachable (col. 10 lines 60-67).

Regarding claim 40, Orlen et al. discloses the network information of the subscriber is transmitted in a header of a packet (data) transmitted by the mobile station (col. 10 lines 45-67).

Regarding claim 41, Orlen et al. discloses a second packet which encapsulates the packet transmitted by the mobile station (col. 10 lines 60-67).

Regarding claims 42 and 52, Orlen et al. discloses the network information of the subscriber is stored in a storing means in dependence on a predetermined subscriber condition (subscriber location near base station) (col. 7 lines 11-18) and

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wherein said storage means is accessible to the service provider (col. 6 line 50 through col. 6 line 5).

Regarding claim 43, Orlen et al. discloses the service provider reads the storing means by using a predetermined key relating to the subscriber (col. 11 lines 24-30).

Regarding claim 48,49 and 51, Orlen et al. discloses a system (fig. 1) for providing a service to a subscriber in a network (col. 3 lines 47-65 and col. 5 lines 20-48), comprising providing means (radiotelephone) for providing a network (base station) information related to said subscriber (i.e. the radio telephone sends a data mode request) (col. 10 lines 48-51); and control means (telepoint base station) for controlling and transmitting the provision of said network information in dependence on a predetermined subscriber condition (operating state of the radio telephone) (col. 10 lines 48-51), said providing means (radiotelephone) is arranged to provide said network (base station) information for a service provider connected to said network (col. 6 lines 48-67); and said service provider is arranged to generate an message (directory or menu information) on the basis of said network information (col. 6 lines 48-67 through col. 7 line 18), said message being transmitted to said subscriber (col. 7 lines 14-18).

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Regarding claim 50, Orlen et al. discloses a data base for converting a cell identification of the mobile station into location (fig. 8 number 660 and description).

Regarding claims 36,44,53 and 54, Orlen et al. discloses said predetermined subscriber condition (mobile station in data mode) a request from a subscriber (col. 10 lines 60-65) or a subscription (billing for the localized information) (col. 6 lines 15-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Foladare et al..

Orlen et al. discloses a method as discussed supra in claim 29 above. Orlen et al. differs from claim 32 of the present invention in that it do not disclose a header (summary) message of an unread mail stored in a mail server. Foladare et al. teaches a header message of an unread mail stored in a mail server (col. 1 lines 41-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Orlen et al. with a header message of an unread mail stored in a mail server so that a advertiser

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or shopping mall could send sale price text mail bulletins to the mobile station, as taught by Foladare et al..

6. Claims 33,35-38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Jasinski.

Orlen et al. discloses a method as discussed supra in claim 29 above. Orlen et al. differs from claim 33 of the present invention in that it do not disclose a stock price change. Jasinski teaches receiving information on New York Stock Exchange (NYSE) (i.e. stock price change) (col. 3 lines 52 through col. 4 line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Orlen et al. with a service message is a stock exchange change in order to invest wisely and to buy stocks based upon the up and down stock prices, as taught by Jasinski.

Regarding claims 35-38 and 45, Orlen et al. discloses a method as discussed supra in claims 29 and 30 above. Orlen et al. differs from claims 35-38 and 45 of the present invention in that it do not disclose the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message in dependence on a predetermined subscriber condition (subscription). Jasinski teaches the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message (col. 6 lines 31-37) in dependence on a predetermined subscriber condition (has access to information) (col. 6 lines 24-26). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to provide Orlen et al. with the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message in dependence on a predetermined subscriber condition (subscription) in order to gather information of new establishments which are not stored at the base station if the mobile station has a service agreement with the network, as taught by Jasinski.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Jasinski as applied to claims 29,30,35 and 36 above and in further view of Chen.

The combination of Orlen et al. and Jasinski differs from claim 39 of the present invention in that it do not disclose a network operator receives the request including a service provider address, retrieves location coordinates of the subscriber and transmits the location to the service provider using the received address. Chen teaches network operator receives the request including a service provider address (911), retrieves location coordinates (coverage area 60) of the subscriber and transmits the location to the service provider using the received address (col. 3 lines 64 through col. 4 line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. and Jasinski with a network operator receives the request including a service provider address, retrieves location coordinates of the subscriber and transmits the location to the service provider using the received address in order to request emergency assistant from a hospital to receive medical attention in case of an accident, as taught by Chen.

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8. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Jasinski as applied to claims 29,30 and 35 above and in further view of Bhatia (WO 98/21913).

The combination of Orlen et al. and Jasinski differs from claim 46 and 47 of the present invention in that it do not disclose an activation of a predetermined supplementary service and the subscriber is located in his home area. Bhatia teaches a predetermined supplementary service (page 3 lines 9-24) and the subscriber is located in his home area (page 3 lines 25-29 and page 4 lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. and Jasinski with an activation of a predetermined supplementary service and the subscriber is located in his home area in order to use a protocol which enable user interaction with the network when requesting information of local interests which are located within the mobile station home area, as taught by Bhatia.

9. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Bhatia (WO 98/21913).

Orlen et al. discloses a method as discussed supra in claim 48 above. Orlen et al. differs from claim 55 and 56 of the present invention in that it do not disclose an activation of a predetermined supplementary service and the subscriber is located in his home area. Bhatia teaches a predetermined supplementary service (page 3 lines 9-24) and the subscriber is located in his home area (page 3 lines 25-29 and page 4 lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Orlen et al. with an activation of a predetermined supplementary service and the subscriber is located in his home area in order to use a protocol which enable user interaction with the network when requesting information of local interests which are located within the mobile station home area, as taught by Bhatia.

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Response to Arguments

10. Applicant's arguments filed October 31, 2003 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

11. Argument: Applicant alleges that Orlen et al. do not disclose or suggest claims 28 and 48.

Explanation: Examiner respectfully disagrees. See revised rejection of claims 29 and 48.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Keith Ferguson *KK*
Art Unit 2683
January 13, 2004